

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|--------------------------------|---|----------------------|
| MICHAEL STANLEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action Number: |
| |) | 2:12-cv-0374-JEO |
| CITY OF CLAY, ALABAMA, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION & ORDER

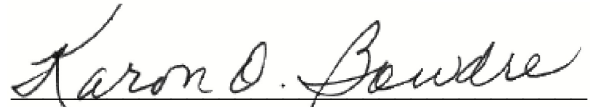
The plaintiff, Michael Stanley, brought this civil rights action pursuant to 42 U.S.C. § 1983 asserting claims against the his former employer, the City of Clay, Alabama; the City's Mayor, Ed McGuffie; and its Personnel Administrator, Bobby Christmas. The City filed a motion to dismiss on March 19, 2012. (Doc. 5). On June 14, 2012, the court adopted the magistrate judge's report and recommendation; dismissed Counts II and III with prejudice; and denied the motion to dismiss on Counts I, IV and V. (Doc. 11). In his three remaining claims, the plaintiff alleges that the defendants violated his due process rights under the Fourteenth Amendment in connection with an alleged demotion and termination of his employment. (Doc. 10, Second Amended Complaint).

On July 5, 2012, the City filed a motion to dismiss Counts IV and V (doc. 13), and defendants Bobby Christmas and Ed McGuffie filed a motion to dismiss Counts IV and V(doc. 16) on July 19, 2012. The magistrate judge entered his Report and Recommendation on October 31, 2012, recommending that the court grant both motions. (Doc. 19). No parties have filed any objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, the court ADOPTS the magistrate judge's report and ACCEPTS his recommendation. Accordingly, the court

GRANTS both motions (doc. 13 & 16) and DISMISSES WITH PREJUDICE Counts IV and V in the Second Amended Complaint (doc. 10). The case will proceed with the plaintiff's claim in Count I of the Second Amended Complaint. The court REMANDS the remaining claim back to the magistrate judge for further proceedings.

DONE and ORDERED this 30th day of November, 2012.

A handwritten signature in black ink, reading "Karon O. Bowdre". The signature is written in a cursive style with a horizontal line underneath it.

KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE